

FORM PTO-1390
OFFICE
(Modified)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK

ATTORNEY'S DOCKET NUMBER
32860-001074/US

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/589540
EXPRESS MAIL LABEL NO.

INTERNATIONAL APPLICATION NO.

PCT/EP2005/050551

INTERNATIONAL FILING DATE

February 8, 2005

PRIORITY DATE CLAIMED

February 18, 2004
October 28, 2004

TITLE OF INVENTION

METHOD FOR THE SELECTION OF A PARTICIPANT IN A MEDICAL PROJECT WITH SELECTION CRITERIA FOR PATIENTS

APPLICANT(S) FOR DO/EO/US

Klaus ABRAHAM-FUCHS, Dr. Eva RUMPEL, Markus SCHMIDT, Dr. Siegfried SCHNEIDER, Horst SCHREINER, and Dr. Gudrun ZAHLMANN

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39 (1).
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is transmitted herewith.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4)
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 20. below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98-1449, International Search Report (PCT/ISA/210 and PCT/ISA/220) in English and PTO Form 1449
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☒ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Formal Drawing; PCT/Supplementary sheet/237; PCT/ISA/237

APPLICATION NO (if known, see 37 CFR 1.5) 10/589539		INTERNATIONAL APPLICATION NO PCT/EP2005/050551		ATTORNEY'S DOCKET NUMBER 32860-001074/US																	
21. <input checked="" type="checkbox"/> The following fees are submitted:				CALCULATIONS PTO USE ONLY																	
PCT FEES – NATIONAL STAGE:																					
<table style="width:100%;"><tr><td style="width:15%;"><u>Fee Code</u></td><td style="width:60%;"><u>Description</u></td><td style="width:25%;"><u>Fee</u></td></tr><tr><td>1631</td><td>Basic National Stage Fee.....</td><td>\$300.00</td></tr><tr><td>1632</td><td>National Stage Search Fee.....</td><td>\$400.00</td></tr><tr><td>1633</td><td>National Stage Examination Fee.....</td><td>\$200.00</td></tr></table>						<u>Fee Code</u>	<u>Description</u>	<u>Fee</u>	1631	Basic National Stage Fee.....	\$300.00	1632	National Stage Search Fee.....	\$400.00	1633	National Stage Examination Fee.....	\$200.00				
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1633	National Stage Examination Fee.....	\$200.00																			
ENTER APPROPRIATE FEE AMOUNT =																					
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 Months from the earliest claimed priority date (37 CFR 1.492(e)).																					
<table style="width:100%;"><tr><td style="width:15%;"><u>PAGES</u></td><td style="width:20%;"><u>PAGES FILED</u></td><td style="width:20%;"><u>EXTRA PAGES FILED IN 50 PAGE SEGMENTS</u></td><td style="width:15%;"><u>RATE</u></td><td colspan="2"></td></tr><tr><td>Total Pages</td><td>13 - 100 = 0</td><td>0</td><td>X 250.00</td><td>\$</td><td>0.00</td></tr></table>				<u>PAGES</u>	<u>PAGES FILED</u>	<u>EXTRA PAGES FILED IN 50 PAGE SEGMENTS</u>	<u>RATE</u>			Total Pages	13 - 100 = 0	0	X 250.00	\$	0.00						
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Independent Claims	1 - 3 =	0	X 200.00	\$	0.00																
MULTIPLE DEPENDENT CLAIM(S) (if applicable) _____ + 360.00				\$	0.00																
TOTAL OF ABOVE CALCULATIONS =				\$	900.00																
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	_____																
SUBTOTAL =				\$	900.00																
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 Months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	_____																
TOTAL NATIONAL FEE =				\$	900.00																
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	40.00																
TOTAL FEES ENCLOSED =				\$	940.00																
				Amount to be:																	
				refunded	\$																
				charged	\$																
a. <input checked="" type="checkbox"/> A check in the amount of \$940.00 to cover the above fees is enclosed.																					
b. <input type="checkbox"/> Please charge my Deposit Account. No. 08-0750 in the amount of \$ _____ to cover the above fees. A triplicate copy of this sheet is enclosed.																					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>08-0750</u> .																					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.																					
Send all correspondence to: Harness, Dickey & Pierce, P.L.C – Customer No. 30596 Post Office Box 8910 Reston, Virginia 20195																					
Date: August 16, 2006																					
By <u>Donald J. Daley</u> Donald J. Daley, #34,313																					